

As per law, a juvenile is any individual below the age of 18.

- According to laws in India, any child below the age of 7 cannot be convicted under any law for any crime.
- Under earlier laws, the distinction between children in conflict with the law and children in need of care and protection was vague, as both were termed juveniles.
- In the amended law (2015 Act), the terms are ‘children in conflict with the law’ and ‘children in need of care and protection’; so that the distinction is clear.

Juvenile Justice Act, 2015 - Positives

There are many positives in the 2015 JJA. It was enacted to correct the deficiencies in the previous legislation. Some of the important benefits of this Act are:

1. There is a clear distinction between children in conflict with the law and children in need of protection and care.
2. It makes the registration of all children’s homes mandatory, bringing in more transparency and efficiency in the system.
3. It seeks to reduce crimes committed by children between the ages of 16 and 18.
4. By including the provision for 16 to 18 year-olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes.

Juvenile Justice Act, 2015 - Negatives

The amended JJA also has certain negatives associated with it. Some of the problems in the law are discussed below.

1. Many psychological studies point out the vulnerability of the 16 - 18 age group children because of hormonal and physical changes. Considering offences committed in this age as crimes and putting them in adult jails can cause further damage. In such environs, the minor will come into close contact with professional criminals, which can hamper their rehabilitation.
2. Some opine that the treating of minors between 16 and 18 years differently is a violation of Article 14 of the Constitution, which guarantees every citizen the [right to equality](#).
3. India ratified the UN Convention on the Rights of the Child in 1992. According to this Convention, any individual below the age of 18 is to be treated like a child. This is in contravention to the amended law that gives provisions for treating 16 - 18 year-olds like adults.
4. Psychological assessment is to be made to assess whether the minor can be treated as an adult or not. However, this can be subjective and not entirely scientific.
5. The argument to include 16 - 18-year-old minors in a special bracket was based on the data from the National Crime Records Bureau (NCRB). This data is itself questioned by many, and also, many of the cases were in the FIR stage and under preliminary proceedings only.
6. Most children who commit crimes are from the economically weaker sections of society. In order to reduce crime among children, there is a need to provide a better environment for the nurture of children who grow up in slum areas. Also, there is a need to foster a culture of open communication between parents and children among all classes.

Prevention is better than cure. There is a need to ensure that children do not turn to crime at all, in the first place. Also, minors who do get into crime should be held accountable depending on the circumstances. Rehabilitation is of utmost importance to avoid children in conflict with the law from becoming future liabilities for society.